

RECEIVED
FEDERAL ELECTION
COMMISSION

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

BEFORE THE FEDERAL ELECTION COMMISSION

2010 AUG 20 AM 11: 07

In the Matter of

CELA
MUR 6509

KANSANS FOR HUELSKAMP AND
BRIAN A. WEBER, AS TREASURER

CASE CLOSURE UNDER THE
ENFORCEMENT PRIORITY SYSTEM

2010 AUG 20 A 11: 11

SENSITIVE

GENERAL COUNSEL'S REPORT

Under the Enforcement Priority System, matters that are low-rated

are

forwarded to the Commission with a recommendation for dismissal, or in certain cases where the responses sufficiently rebut the allegations set forth in the complaint, a no reason to believe finding.

In this matter, the complainant, Brian Ellis, states that Kansans for Huelskamp and Brian A. Weber, in his official capacity as treasurer ("the Committee"),¹ violated the Federal Election Campaign Act of 1971, as amended, and underlying regulations by failing to include disclaimers on certain campaign materials. Specifically, the complainant asserts that the Huelskamp campaign mailed him a bumper sticker, which did not include a written statement that the Committee had paid for it, in apparent violation of the Commission's disclaimer requirements at 2 U.S.C. § 441d(a) and 11 C.F.R. § 110.11.

David Ray, the Committee's campaign manager, filed a response on behalf of the Committee. According to the response, while 2 U.S.C. § 441d(a) and 11 C.F.R. § 110.11 generally set forth the Commission's disclaimer requirements, 11 C.F.R. § 110.11(f)(i) provides an explicit exception for "bumper stickers" as well as "pins, button, pens" and other small items on which disclaimers cannot be conveniently printed. The response also states that the Committee printed only a "small amount" of bumper stickers, the cost of which was about

¹ Tim Huelskamp is seeking to represent Kansas's First Congressional District.

10044281048

\$500, including mailing costs, and that the Committee has been careful to include disclaimers, whenever they were required, on all of its campaign materials.

As the response notes, bumper stickers are not required to include disclaimers, *see* 11 C.F.R. § 110.11(f)(i). Accordingly, we recommend that the Commission find that there is no reason to believe that Kansans for Huelskamp and Brian A. Weber, in his official capacity as treasurer, violated 2 U.S.C. § 441d(a) and 11 C.F.R. § 110.11.

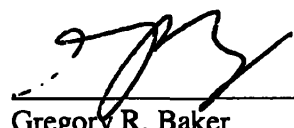
RECOMMENDATIONS

1. Find no reason to believe that Kansans for Huelskamp and Brian A. Weber, in his official capacity as treasurer, violated 2 U.S.C. § 441d(a) and 11 C.F.R. § 110.11.
2. Close the file and send the appropriate letters.

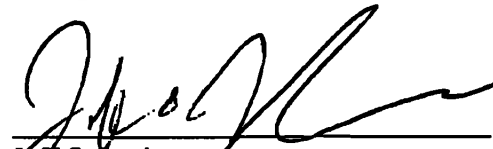
Thomasenia P. Duncan
General Counsel

0/20/10
Date


BY:



Gregory R. Baker
Special Counsel
Complaints Examination
& Legal Administration



Jeff S. Jordan
Supervisory Attorney
Complaints Examination
& Legal Administration



Ruth Herziger
Attorney
Complaints Examination
& Legal Administration

10044281049